

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND

STATE OF MARYLAND

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v.

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CASE NOS. C-10-CR-19-604/19-1473

ERNESTO TORRES

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OPINION AND ORDER

Defendant, Ernesto Torres, is charged with numerous counts alleging child abuse and sexual offenses against multiple alleged victims in each case. Defendant's counsel raised the possibility of Dr. Torres not being competent to stand trial which led to evaluations that were completed in April 2020. Dr. Torres was determined not to be competent to stand trial. Dr. Torres was subsequently transferred from the Frederick County Adult Detention Center to Springfield State Hospital and, ultimately, to Spring Grove State Hospital for treatment and further evaluation.

Dr. Danielle Robinson of Spring Grove Hospital opined in September 2020 that Dr. Torres was, in fact, now competent to stand trial. Defendant's psychiatrist, Dr. Christiane Tellefsen, disagreed. Dr. Tellefsen believes Defendant remains incompetent. On June 23, 2021, this court held a hearing on the issue of Defendant's competency and now issues the following Opinion and Order.

Discussion

Criminal competency determinations are outlined in Criminal Procedure §3-101, *et seq.* It is clear that once the issue of a defendant's competence to stand trial is at issue, the court must make the determination as to the Defendant's competence after appropriate evaluations have been completed. *See* MD. CODE ANN. CRIM. PROC. §3-104. Further, it is also clear that once the issue of competency is raised, the State must convince the court of the defendant's competence beyond a reasonable doubt. *See Hill v. State*, 35 Md.App. 98 (1977). Competency is defined as a defendant's capability to assist counsel in preparing a defense and to understand the nature of the proceedings. *See* MD. CODE ANN. CRIM. PROC. §3-101(f).

Both Dr. Robinson and Dr. Tellefsen agree that Defendant has a belief that his present circumstances have been brought about by the influence of an "evil black witch" (hereinafter referred to as EBW), the source of which he attributed to an oil painting that had been hanging in his living room. Dr. Daniels opined that this belief did not amount to a delusion. Dr. Daniels compared Defendant's belief in the existence of the EBW to a belief in the existence sorcery or evil spirits, which is common in many places in the world. If that is correct, then Defendant's belief is not a delusion. Dr. Tellefsen, on the other hand,

opined that this belief is not a common belief, that it amounts to a delusion, and it affects Defendant's ability to assist counsel or understand the proceedings.

Further, both experts agreed that Defendant is capable of the following: explaining the roles of all court participants; understanding the process of trial and how the trial is conducted; understanding the charges; and talking to counsel about the case. The experts, however, disagree on the effect the belief in the EBW has on his understanding of all these matters. Dr. Robinson thinks the EBW belief has no effect on his understanding of any of these matters. Dr. Tellefsen, by contrast, believes that the EBW delusion colors Defendant's ability to have a meaningful understanding of these issues. Dr. Tellefsen further opined that Defendant is mentally ill and is not competent to stand trial.

The court is aware that competency is a fluid notion and that a defendant's competency can change. It is clear that the EBW persona (for lack of a better description) has been present with Defendant since early 2020. Hospitalization has clearly not altered Defendant's perception of the influence of the EBW on his life, his pending criminal cases, and the people involved in these cases. Both of the witnesses are experts in the field whose credentials are equally impressive. The Court concludes that each opinion is equally possible. Therefore, this Court cannot conclude, today, beyond a reasonable doubt, that Defendant is presently competent to stand trial.

Conclusion

Based on the above, the Court finds that Defendant remains INCOMPETENT to stand trial.

Dr. Tellefsen further testified that she is concerned with Defendant's safety. Dr. Tellefsen testified that the belief in the EBW has led to Defendant doing irrational things. Dr. Tellefsen opined that Defendant could be dangerous and that supervision was required. Therefore, this Court orders that Defendant shall continue to be held at an appropriate hospital to be determined by the Department of Health.

The Court will conduct a review of this matter in 90 days and an annual review is set for June 21, 2022.

Attached, please find a modified CC-DC form CR 52, reflecting the Opinion and Order in this case.

Date:

7/7/21



Julie S. Solt
Administrative Judge of the
Circuit Court for Frederick County

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ORDER

The Court having concluded that Defendant remains incompetent to stand trial, and further finding that he remains a danger to himself or others due to a mental disorder, it is therefore this 7/7/21, 2021, by the Circuit Court for Frederick County, Maryland,

ORDERED, that the Defendant remain committed to the Department of Health until he is no longer incompetent to stand trial or is no longer by reason of mental disorder, a danger to self or the person or property of another; and it is further

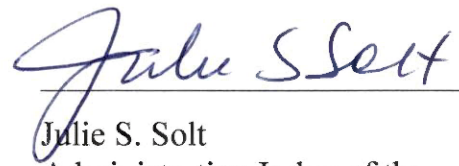
ORDERED, that the Department of Health develop a plan for treatment as required under §10-706 of the Health General Article; and it is further

ORDERED, that an annual review be held on June 22, 2022 and it is further

ORDERED, that the Department of Health shall submit a report pursuant to Criminal Procedure §3-108 to the Court and counsel at least two (2) weeks prior to the scheduled hearing; and it is further

ORDERED, that a status conference is to be held on Oct. 19, 2021; and
it is further

ORDERED, that the Department of Health shall submit a status report to the Court
and counsel at least three (3) days prior to the scheduled status conference.

A handwritten signature in blue ink, reading "Julie S. Solt", written over a horizontal line.

Julie S. Solt
Administrative Judge of the
Circuit Court for Frederick County

Entered: Clerk, Circuit Court for
Frederick County, MD
July 7, 2021